

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ADRIAN FRANK NAULT,

Defendant.

CR-12-26-GF-BMM

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on September 2, 2021. (Doc. 92.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on August 31, 2021. (Doc. 87.) The United States accused Nault of violating his conditions of supervised release 1) by using Wellbutrin; 2) by failing to maintain full time employment; 3)

by failing to notify his probation officer of a change in residence; 4) by failing to report for substance abuse treatment; 5) by failing to follow the instructions of his probation officer on two separate occasions; 6) by using methamphetamine; 7) by consuming alcohol; and 8) by committing another crime. (Doc. 84.)

At the revocation hearing, Nault admitted to violating the conditions of his supervised release 1) by using Wellbutrin; 2) by failing to maintain full time employment; 3) by failing to notify his probation officer of a change in residence; 4) by failing to report for substance abuse treatment; 5) by failing to follow the instructions of his probation officer on two separate occasions; 6) by using methamphetamine; and 7) by consuming alcohol. (Doc.87.) Judge Johnston found that the violations Nault admitted proved to be serious and warranted revocation, and recommended that Nault receive a custodial sentence of 12 months with a no supervised release to follow. Judge Johnston also recommended that Nault receive credit for time served since August 24, 2021. (Doc. 92.) Nault was advised of his right to appeal and his right to allocute before the undersigned. (Doc. 87.) The violations prove serious and warrant revocation of Nault's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 92) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Defendant Adrian Frank Nault be sentenced to the custody of the

United States Bureau of Prisons for 12 months, with no supervised release to follow. Nault will receive credit for time served since August 24, 2021.

DATED this 17th day of September, 2021.

A handwritten signature in blue ink, reading "Brian Morris". The signature is fluid and cursive, with the first name "Brian" and last name "Morris" clearly legible.

Brian Morris, Chief District Judge
United States District Court